

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**BRADY KEITH, Individually and on behalf
of a class,**

Plaintiff,

vs.

**BACK YARD BURGERS OF NEBRASKA,
INC., BACKYARD BURGERS, INC., and
DOES 1-10,**

Defendants.

IN THE MATTER OF:

BACKYARD BURGERS, INC.,

Debtor(s)

8:11CV135

ORDER

CASE NO. BK12-12882 (D. DEL.)

A12-8074-TJM

CH. 11

This matter is before the Court on the Report and Recommendation of U.S. Bankruptcy Judge Timothy J. Mahoney (Filing No. 96) recommending that this Court withdraw the reference of the adversary proceeding to the bankruptcy court. Judge Mahoney noted that the plaintiff in the adversarial proceeding has dismissed his claims against the party in bankruptcy, and found that there was no need for the case to remain before the bankruptcy court. Accordingly, Judge Mahoney recommends that this Court withdraw the bankruptcy reference in this matter for all further proceedings against the remaining defendants.

The time for filing objections to the Report and Recommendation has passed. See NEGenR 1.5(b)(2). No objections have been filed under Federal Rule of Bankruptcy Procedure 9033(b). The Court finds that under 28 U.S.C. § 157(d) and

Federal Rule of Bankruptcy Procedure 9033(d), and for good cause shown, the Report and Recommendation should be adopted in its entirety. Accordingly,

IT IS ORDERED:

1. The Report and Recommendation (Filing No. 99) is adopted; and
2. The Order of Reference (Filing No. 95) to the U.S. Bankruptcy Court for the District of Nebraska is withdrawn; and
3. This case shall progress in this Court.

Dated this 16th day of October, 2013.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge